

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 99291098		DATE OF AWARD 09/21/2001
			MODIFICATION NUMBER: 3		
			PROGRAM CODE: V		MAILING DATE 09/26/2001
			TYPE OF ACTION Augmentation: Increase		
RECIPIENT TYPE: State			Send Payment Request to: Region 2 Grants & Contracts Mgt. Branch		
RECIPIENT: New Jersey Dept of Environmental Protection P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928			PAYEE: New Jersey Dept of Environmental Protection P.O. Box 420 Trenton, NJ 08625-0420		
PROJECT MANAGER Edward Putnam P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: Phone: 609-984-2990		EPA PROJECT OFFICER Carole Petersen 290 Broadway New York, NY 10007-1866 E-Mail: Phone: 212-637-4420		EPA GRANT SPECIALIST Carol Hemington E-Mail: Phone: 212-637-3420	
PROJECT TITLE AND EXPLANATION OF CHANGES Support Agency Assistance - Remedial Planning					
BUDGET PERIOD 10/01/1998 - 09/30/2002		PROJECT PERIOD 10/01/1998 - 09/30/2002		TOTAL BUDGET PERIOD COST \$1,666,900.00	
				TOTAL PROJECT PERIOD COST \$1,666,900.00	
NOTICE OF AWARD					
<p>Based on your Application dated 07/12/2001 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$485,500. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,666,900. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official William J. Muszynski, P. E. - Acting Regional Administrator					DATE 09/21/2001

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,181,400	\$ 485,500	\$ 1,666,900
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 1,181,400	\$ 485,500	\$ 1,666,900

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Hazardous Substances Response Trust Fund	CERCLA: Sec. 104	40 CFR PTS 31 & 35 SUBPT O

[illegible]

Approved Budget	
Program Element Classification (Construction)	Approved Allowable Budget Period Cost
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$0
4. Architectural Engineering Basic Fees	\$0
5. Other Architectural Engineering Fees	\$0
6. Project Inspection Fees	\$0
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$0
11. Construction and Project Improvement	\$0
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$0
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$0
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip % Fed %)	\$0
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$0

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,017,455
2. Fringe Benefits	\$258,645
3. Travel	\$40,000
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$1,316,100
10. Indirect Costs: % Base	\$350,800
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$1,666,900
12. Total Approved Assistance Amount	\$1,666,900
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

Administrative Conditions

a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

b. TERMS AND CONDITIONS

All Terms and Conditions included or referenced in Amendment No. V992910-98-2 remain in effect and are incorporated by reference herein, with the following exception(s):

The Condition entitled "Lobbying" is hereby deleted and is replaced with the following:

ANTI-LOBBYING AND LOBBYING CERTIFICATION

In accordance with OMB Circular A-21, A-87, or A-122, as appropriate, the recipient agrees that it will not use project funds, including the Federal and non-Federal share, to engage in lobbying the Federal Government or in litigation against the United States. The recipient also agrees to provide the information mandated by EPA's annual appropriations acts for fiscal year 2000 and fiscal year 2001 (PL 106-74, §426 and PL 106-377, §424 respectively) which require as follows: 'A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.' The recipient may satisfy this certification requirement in any reasonable manner. The certification must be submitted to EPA after all grant funds have been expended.

The Condition entitled "Automated Clearinghouse" is hereby deleted and is replaced with the following:

DRAWDOWNS UNDER ASAP

- (a) When a drawdown occurs under the ASAP, the recipient will drawdown according to the appropriate EPA account number, and the drawdown amount applicable to each site/activity account and operable unit (as applicable).
- (b) When funds for a specific activity/operable unit (as applicable) have been exhausted but the work under the activity/operable unit has not been completed, the recipient will not draw down from another activity/operable unit or site account without written permission from EPA and amendment of this cooperative agreement.
- (c) Funds remaining in an account after completing an activity/operable unit (as applicable) shall be returned to EPA or, with written permission from EPA and amendment of this cooperative agreement, may be applied to another activity/operable unit or site.
- (d) When an activity/operable unit (as applicable) is completed, the recipient will submit a Financial Status Report (SF-269) within 90 days to the EPA Grants Officer.
- (e) The recipient will also submit the SF-269 within 90 days after the close of each budget period. If the budget period is longer than one year the report will be submitted annually, based on the State fiscal year.

Condition No. 14 entitled "Disadvantaged Business Enterprise Fair Share Requirements" is hereby deleted and is replaced with the following:

14. DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS

In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance programs, the recipient agrees to:

- a. the applicable FY-2002 "fair share" goals negotiated with EPA by the State which break down as follows:
 - o for New Jersey MBE: Construction, Equipment, Supplies and Services are 7%.
 - o for New Jersey WBE: Construction, Equipment, Supplies and Services are 3%.
- b. ensure to the fullest extent possible that the applicable fair share goals as referenced in paragraph (a) are applied to Federal funds for prime contracts or subcontracts for Construction, Equipment, Supplies and Services. The recipient agrees to include in its bid documents the applicable FY 2002 "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontractors the applicable FY 2002 "fair share" percentages and to comply with paragraphs (c) (d) and (e).
- c. follow the six affirmative steps stated in 40 CFR 30.44(b), 40 CFR 31.36(e), 35.3145(d), 35.6580, or the Drinking Water State Revolving Fund (SRF) Program Guidelines, as appropriate.
- d. submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements" to Otto Salamon the Region 2 MBE/WBE, Small Disadvantaged Business Utilization Officer (SDBUO) beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the SDBUO within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30) except for assistance awards for Continuing Environmental Programs which must be submitted to the SDBUO by October 30 of each year.
- e. To notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective, in the event race and/or gender neutral efforts prove to be inadequate to achieve a fair share objective for MBE/WBE.

Condition No. 15 is hereby deleted and is replaced with the following:

15. REQUIREMENTS FOR ACCOUNTING FOR COSTS AND REQUESTING PAYMENT

Funds under this Cooperative Agreement have been awarded in a lump sum, using a non-site-specific account identifier (e.g., Site/Project identifies "02WQMA00"). However, drawdowns may not be made using this identifier; for drawdown purposes, the following site-specific and/or operable unit-specific identifiers must be used, corresponding to the site(s) and/or operable unit(s) for which costs were incurred:

SITE/OU I.D.	ACTIVITY	APPROVED BUDG. AMT (100% FEDERAL)	SITE/PROJ.
0295MA00	Brook Industrial Park	RD	\$28,250
0294MA00	Chemical Insecticide	RI/FS	\$51,250

Chemical Leaman OU#2 (Soil)	RI/FS	\$8,000	02B4MA00
Chemical Leamon OU#3 (GW)	RD	\$11,000	
02B4MA00			
Chemsol	RD	\$18,500	
02C3MA00			
Ciba Geigy	RI/FS	\$35,000	
0287MA00			
Ciba Geigy	RD	\$5,000	0287MA00
Cinnaminson	RD	\$6,000	02F7MA00
Cornell Dublier	RI/FS	\$55,000	
026ZMA00			
Cornell Residences	RD	\$5,000	02 MA00
Cosden Chemical (Soil)	RD	\$26,250	
02P8MA00			
Cosden Chemical (GW)	RD	\$17,500	
02P8MA00			
D'Imperio	RI/FS	\$5,000	0221MA00
D'Imperio	RD	\$7,000	0221MA00
Diamond Alkali / Passaic River	RI/FS	\$72,550	
0296MA00			
Dover Municipal Well (Source)	RI/FS	\$20,000	
02W1MA00			
Dover Municipal Well (GW)	RD	\$5,000	02W1MA00
Emmell's Septic LF	RI/FS	\$25,000	
02JWMA00			
Fairlawn / Sandvik	RI/FS	\$52,700	
0258MA00			
Federal Creosote	RI/FS	\$168,800	02JJMA00
Fried Industries (GW)	RD	\$23,200	
02D1MA00			
Fried Industries (Soil)	RD	\$11,200	
02D1MA00			
Higgins Disposal (GW)	RD	\$5,000	023CMA00
Horseshoe Road	RI/FS	\$50,000	
02BTMA00			
Iceland Coin Laundry	RI/FS	\$13,500	
02MPMA00			
Industrial Latex	RI/FS	\$16,200	
02M3MA00			
Kauffman & Minter	RI/FS	\$10,000	
021RMA00			
Kauffman & Minter	RD	\$25,000	
021RMA00			
LCP Chemicals	RI/FS	\$52,000	
02HUMA00			
Lightman Drum	RI/FS	\$25,000	
02MSMA00			
Martin Aaron	RI/FS	\$25,000	
02MNMA00			
Maywood Chemical	RI/FS & RD	\$51,500	
0219MA00			
Metaltec	RD	\$16,200	
0241MA00			
Monitor Devices	RI/FS	\$10,000	
02N4MA00			
Montclair / Glen Ridge	RI/FS	\$11,200	

02A9MA00	Montgomery Township	RD	\$21,200	
0290MA00	Myers (Soil)	RD	\$16,500	
02C9MA00	NL Industries (GW)	RD	\$12,500	0261MA00
	Pepe Field	RD	\$3,200	0289MA00
	Pohatcong Valley	RI/FS	\$61,200	
023JMA00	Puchak	RI/FS	\$85,000	
02JLMA00	Radiation Technology	RI/FS	\$3,000	02X5MA00
	Radiation Technology	RD	\$3,000	02X5MA00
	Rockaway Boro (GW)	RD	\$18,200	
0281MA00	Rockaway Boro (Soil)	RI/FS	\$23,200	
0281MA00	Rocky Hill Wellfield	RD	\$31,200	
0264MA00	Roebling Steel	RI/FS	\$112,400	0291MA00
	Route 561 Dump	RI/FS	\$40,000	
02FSMA00	SCP Carlstadt	RI/FS & RD	\$41,000	
0265MA00	U.S. Radium	RD	\$11,200	
0267MA00	U.S. Avenue Burn Site	RI/FS	\$40,000	
02GEMA00	Vineland Chemical	RD	\$56,200	
02B8MA00	Waldick	RD	\$13,200	
02F4MA00	Welsback G.M.	RI/FS	\$65,700	
028UMA00	White Chemical	RI/FS	\$31,200	
026JMA00	Zschiegner Refining	RI/FS	\$10,000	
028EMA00				

The following conditions are added:

21. LIMITATION ON CHARGING COSTS - OVERDUE FINANCIAL STATUS REPORTS

The recipient is precluded from charging costs to this agreement, or drawing down the funds awarded in this amendment, until the recipient has submitted the overdue Financial Status Report (SF-269A) reporting expenditures through September 30, 1999, as described in Condition No. 20 in Amendment No. V992910-98-2.

22. OVERDUE FINANCIAL STATUS REPORT

Within 45 days of receipt of this amendment, or within any additional time as may be granted by the EPA Grants Office, the recipient shall submit to EPA a Financial Status Report (SF-269A) showing expenditures through September 30, 2000.

Please note that this cooperative agreement may be amended to revise previous conditions if review of those conditions shows this to be necessary.